

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CONSUMER AFFAIRS AND BUSINESS REGULATION

**DEPARTMENT OF
TELECOMMUNICATIONS & ENERGY**

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January 21, 2004

SENT BY E-Mail, and
First Class U.S. Mail

James Avery
Brown Rudnick, LLP
One Financial Center
Boston, MA 02111

Re: The Berkshire Gas Company, D.T.E. 03-114

Dear Mr. Avery:

Enclosed please find information requests by the Department of Telecommunications and Energy to The Berkshire Gas Company in regards to the above-captioned matter. Please submit copies of the Company's responses to the Department by 5:00 p.m., January 28, 2004.

Should you have any questions please contact me at (617) 305-3762. Thank you for your prompt attention to this matter.

Sincerely,

Jody Stiefel
Hearing Officer

Enc.

cc: Service List
Mary Cottrell, Secretary

FIRST SET OF INFORMATION REQUESTS OF
THE DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY TO
THE BERKSHIRE GAS COMPANY

Pursuant to 220 C.M.R. 1.06(6)(c), the Department of Telecommunications and Energy ("Department") hereby submits to The Berkshire Gas Company ("Berkshire" or "Company") the following information request(s) with respect to the Service Agreement with Distrigas of Massachusetts ("DOMAC"), D.T.E. 03-114.

INSTRUCTIONS

The following instructions apply to this set of Information Requests and all subsequent Information Requests issued by the Department to the Company in this proceeding.

1. Each request should be answered in writing on a separate, three-hole punch page with a recitation of the request, a reference to the request number, the docket number of the case and the name of the person responsible for the answer.
2. Do not wait for all answers to be completed before supplying answers. Provide the answers as they are completed.
3. These requests shall be deemed continuing so as to require further supplemental responses if Berkshire or its witness receives or generates additional information within the scope of these requests between the time of the original response and the close of the record in this proceeding.
4. The term "provide complete and detailed documentation" means:

Provide all data, assumptions and calculations relied upon. Provide the source of and basis for all data and assumptions employed. Include all studies, reports and planning documents from which data, estimates or assumptions were drawn and support for how the data or assumptions were used in developing the projections or estimates. Provide and explain all supporting work-papers.
5. The term "document" is used in its broadest sense and includes, without limitation, writings, drawings, graphs, charts, photographs, phono-records, microfilm, microfiche, computer printouts, correspondence, handwritten notes, records or reports, bills,

checks, articles from journals or other sources and other data compilations from which information can be obtained and all copies of such documents that bear notations or other markings that differentiate such copies from the original.

6. If any one of these requests is ambiguous, notify the Hearing Officer so that the request may be clarified prior to the preparation of a written response.
7. Please serve a copy of the responses on Mary Cottrell, Secretary of the Department, one copy to the Service List, four copies to Andreas Thanos, of the Department's Gas Division, and submit one copy of the responses to Jody M. Stiefel, Hearing Officer.

REQUESTS

- DTE 1-1 Regarding the backhaul agreements discussed in the Company's Filing at 4, please indicate the costs associated with such agreements.
- DTE 1-2 The Company's Filing at 5, states that, "The Whatley Facility also provides the Company with a critical source of supply to remain in balance on the Tennessee Gas Pipeline Company system during extreme conditions when, for example, the pipeline has issued an operational flow order." Please define the term operational flow order.
- DTE 1-3 Refer to the Company's Filing at 5. The Company stated that the Whatley Facility generally has storage capacity adequate for at least three peak days of LNG requirements. Please provide a chart detailing the number of deliveries Whatley received during each of the peak periods for the last five years. Provide the same information on a calendar year basis. What costs are associated with these deliveries?
- DTE 1-4 Refer to the Company's Filing at 9. Please describe the transportation process and contracts in moving the liquid from DOMAC to Berkshire.
- DTE 1-5 Please refer to the Company's Filing, Exhibit 1 (Contract No. FLS156), Article IV. Which LNG trucking company has Berkshire contracted with to fulfill this portion of the contract? Has there been any problem in the past with the transporter?
- DTE 1-6 Please refer to the Company's Filing, Exhibit 1 (Contract No. FLS156), Article XI. Has Seller (Distrigas) ever enforced a force majeure?